

## **REMARKS**

The Office Action dated November 25, 2009 contained the following rejections:

1. Claims 1-3, 5-7, 9, 11-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6792704 to Johnson in view of US Patent 6116385 to Ring.

2. Claims 1-3, 5-7, 9, 11-13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and further in view of US Patent 6142480 to Streitman et al.

3. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and further in view of US Patent 3768826 to Hickman.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and Hickman and further in view of Streitman et al.

5. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and further in view of US Patent 4693486 to Pierce.

6. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring and Streitman as applied above, and further in view of US Patent 4693486 to Pierce.

7. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Ring as applied to claim 9 above, and further in view of US Patent 4846785 to Cassou et al.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Ring in view of Streitman et al. as applied to claim 9 above, and further in view of US Patent 4846785 to Cassou et al.

9. Claims 19, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted prior art recited above the "improvement" phrase in claim 19 in view of Johnson.

10. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted prior art in view of Johnson and further in view of US Patent 6142480 to Streitman et al.

Applicant thanks the Examiner for a telephonic interview on February 3, 2010 to review the merits of this Office Action.

During the telephonic interview, the discussion essentially centered on interpretation of the "abuttingly engageable" phrase, application of Johnson prior art reference in view of the above interpretations and use of Ring prior art reference.

Accordingly, the terminology "abuttingly engageable" has been replaced throughout the applicable claims with terminology "abutting relationship".

Furthermore, Applicant believes that the above rejections are rendered moot by various amendments to the claims to recite patantably distinguished structures in addition to positive language of "abutting relationship".

Specifically:

Independent claim 1 now recites plate portions (70/71 and 77/78) and mounting apertures (68).

Independent claim 6 now recites mounting apertures (88) and elongated members (90, 94).

Independent claim 9 incorporates amendments to claims 1, 6.

Independent claims 19 and 22 have been canceled.

Independent claim 26 has been added (essentially replacing claim 22) and incorporates amendments to claims 1, 6 and 9, as well as edge (86), support (100), tab (102), aperture (104) shown in FIG. 3 and flange (carrying apertures 98) best shown in FIG. 2.

No new matter has been entered.

None of the above features are anticipated or rendered obvious by the cited prior art.

Additionally, in view of earlier rejections, the Applicant respectfully point out that Ring teaches environment (relied on by the Examiner), wherein the peripheral exterior surface of the air spring is fully encased by the combination of cylindrical housing and piston. Thus, Ring would direct an artisan to fully enclose the device of Johnson.

Accordingly, the Examiner is respectfully requested to withdraw the above referenced rejections.

FIGS. 2-3 and disclosure have been amended to provide structural details in support of the claim amendments.

FIG. 2 now includes reference numerals 64, 65, 67, 81, 83 and 85. FIG. 3 now includes reference numerals 53, 61, 62, 63, 64, 65, 67, 81, 81A and 81B. All reference numerals are directed to structural features previously shown and/or described. No new matter has been entered. The new reference numerals have been now described in the amended disclosure.

Applicant respectfully points out that it has been held that "In those instances where a visual representation can flesh out words, drawings may be used in the same manner and with the same limitations as the specification" (*Autogrio Co. of America v. United States*, 384 F.2d 391, 398, 155 USPQ 697, 703).

### **CONCLUSIONS**

In view of the above amendments to the drawings, disclosure, claims and the remarks associated therewith, Applicant believes that Independent Claims 1, 6, 9, and 26 are in a condition for allowance and such allowance by the Examiner is respectfully requested. Since it is believed that Independent Claims 1, 6, 9, and 26 are in condition for allowance, their dependent claims further providing limitations are also in a condition for allowance.

In the event the Examiner has difficulties with the amendment, the Examiner is invited to contact the undersigned agent by telephone at 847-687-8804 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,



By: \_\_\_\_\_  
Alexander Pokot  
Agent for Applicant  
Reg. No. 54,376

JAMES RAY & ASSOCIATES  
2640 PITCAIRN ROAD  
MONROEVILLE, PA 15146  
TELEPHONE: 412-380-0725  
FACSIMILE: 412-380-0748